

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         ) **Case No. 4:21 CR 0365 RLW/JMB**  
                                )  
WAYNE D. LOZIER, Jr. and )  
JODY L. SULLIVAN             )  
                                )  
Defendants.                 )

**DEFENDANTS LOZIER AND SULLIVAN'S MOTION TO DISMISS THE  
INDICTMENT**

**NOW INTO COURT**, come defendants, Wayne D. Lozier, Jr. and Jody L. Sullivan, by and through counsel, and move this Honorable Court to dismiss the indictment [ECF No. 35] for failure to state an offense pursuant to Fed. R. Crim. P. 12(b)(3)(B)(v) and for the reasons set forth in the accompanying memorandum in support of this motion.

Respectfully submitted,

/s Ralph S Whalen, Jr.  
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 25, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

s/Ralph S. Whalen, Jr.  
Ralph S. Whalen, Jr.